

Interview Summary	Application No.	Applicant(s)	
	10/773,240	HUANG, WEN CHING	
	Examiner	Art Unit	
	M. Safavi	3673	

All participants (applicant, applicant's representative, PTO personnel):

- (1) M. Safavi. (3) _____
 (2) Jun Lee. (4) _____

Date of Interview: 12 April 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____.

Claim(s) discussed: N/A.


Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner had indicated to Mr. Lee that the paper received by Mr. Lee's Firm, (attached copy faxed to Examiner on March 28, 2006), was erroneously mailed with an incorrect mailing date of 10/07/2005 and thus no response to that paper is necessary. Included with this interview summary is the appropriate requirement for restriction to which Applicant shall respond.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

LAW OFFICES

MORTON J. ROSENBERG
DAVID I. KLEIN
JUN Y. LEE
RAJIV S. SHAH *

PATENT AGENTS
DAVID R. WOOD

ROSENBERG, KLEIN & LEE
CHARTERED

3458 ELLICOTT CENTER DRIVE
ELLICOTT CITY, MARYLAND 21043
PHONE (410)-465-6678 OR (410)-465-MORT

TELEFAX (410)-461-3067

INTERNET: rk@rklpatlaw.com

PATENT, TRADEMARK & COPYRIGHT MATTERS

PATENT RESEARCH
SPECIALISTS

JOHN V. PRESTIA
RAYMOND J. DUDEK
EVA BURDMAN
RUSSELL SCHUMANN
KEVIN PHIPPS

* PA and DC Bars

DATE: 3/28/2006 TIME SENT: 10:35 AMTOTAL PAGES (INCLUDING COVER SHEET): 6ATTENTION: Ex. M. SafaviCOMPANY NAME: USPTOTO FAX NUMBER: (571) 273-7046

TRANSMITTING FROM: ROSENBERG, KLEIN & LEE

Facsimile Number: 410-461-3067

Telephone Number: 410-465-6678

OUR DOCKET NO. MR 3287-9 YOUR REFERENCE: 10/773, 240**PLEASE NOTIFY US AT ONCE IF NOT RECEIVED PROPERLY.**

ADDITIONAL COMMENTS:

Ex. Safavi,

Following up our phone conversation this morning, attached is a copy of the curious Restriction Req. Action we received by mail last week (on or about 3/24/06). You'll note the Mailing Date of 10/07/2005, yet your signature date of March 15, 2006 (and the acknowledgment of our 9 January 2006 Amendment). Please provide clear guidance so that we may avoid an Errant Abandonment as a result

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,240	02/09/2004	Wen Ching Huang	MR3287-9	7150

4586 7590 10/07/2005

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,240

Applicant(s)

HUANG, WEN CHING

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 2, and 5 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
Paper No(s)/Mall Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mall Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Drawings

The drawings are objected to as failing to comply with M.P.E.P. 608.01(g) because: the reference characters must be properly applied, no single reference character being used for two different parts *or for a given part and a modification of such part*. In the latter case, the reference character, applied to the given part, with a prime affixed may advantageously be applied to the modification. At least reference characters 3, 32, 33, (if not reference characters 34, 341 and 342), as illustrated in Figs. 6 and 7 should be modified to appropriately depict an alternate embodiment of the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

This application contains claims directed to the following patentably distinct species: Fig. 3/4; Fig. 6/7. The species are independent or distinct because each is mutually exclusive one from the other with respect to the specific elements, which go to

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make up the respective species, (e.g., fully encased pillow or a covering over a mattress).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

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distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



MICHAEL SAFAVI
PRIMARY EXAMINER

M. Safavi
March 15, 2006